

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTONIO LUIS FREIRE,

Plaintiff

v.

SHERIFF JOSEPH LOMBARDO, et al.,

Defendants

Case No.: 2:22-cv-00159-APG-EJY

**Order Accepting Report and
Recommendation**

[ECF No. 3]

On January 31, 2022, Magistrate Judge Youchah recommended that I dismiss plaintiff Antonio Freire's complaint with leave to amend by March 2, 2022. ECF No. 3. She also recommended that the clerk of court send the plaintiff the approved form for filing a complaint under 42 U.S.C. § 1983. *Id.* Freire did not object. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Youchah's report and recommendation (ECF No. 3) is accepted.

I FURTHER ORDER that plaintiff Antonio Freire's complaint (ECF No. 1-2) is dismissed without prejudice.

I FURTHER ORDER the clerk of court to send to plaintiff Antonio Freire the approved form for filing a complaint under 42 U.S.C. § 1983.

1 I FURTHER ORDER that plaintiff Antonio Freire shall file an amended complaint by
2 March 18, 2022. Failure to file an amended complaint by that date will result in this case being
3 closed.

4 DATED this 23rd day of February, 2022.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE